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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,821	02/06/2007	Esa Eronen	5487-00025	5260
26753 7590 08/27/2010 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				
EXAMINER KASSA, YOSEF				
ART UNIT 2624		PAPER NUMBER		
MAIL DATE 08/27/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,821

Applicant(s)

ERONEN, ESA

Examiner

YOSEF KASSA

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Response to Arguments

1. Applicant's arguments, filed on 05/24/10, with respect to claims 1-7 under Herber et al (U.S. Patent 6,937,249) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made on Uchida (U.S. Patent 6,704,467), Ringland et al (U.S. Patent 6,122,391), and Kinumura et al (U.S. Patent 6,999,213).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (U.S. Patent 6,704,467), and further in view of Ringland et al (U.S. Patent 6,122,391).

With regard to claim 1, Uchida discloses pre-selecting based on an image visible on a display screen of a display device, a grey scale level of desire of an operator (refer to col. 2, lines 23-30);

storing values consistent stored with the grey scale level of desire in a memory associated with the display device to form an operator-specific target grey scale level (refer to col. 7, lines 1-7);

,accessing the memory to retrieve therefrom information regarding the operator-specific target grey scale level when the operator picks up a new" image for examination (refer to col. 10, lines 41-55);

automatically calculating an individual transformation function relevant to the new image based on the information (refer to col. 2, lines 54-59); and
(automatically adjusting the new image to the operator-specific target grey scale level based on the individual transformation function).

With regard to claim 2, Uchida discloses wherein the image individual transformation function is calculated by first selecting a desired initial function to be parametered, the parameters of which are then optimized by an appropriate optimization algorithm for reaching the operator- specific target grey scale level (refer to col. 2, lines 54-59).

With regard to claim 4, Uchida discloses wherein the transformation function produces an S-graph (refer to Fig. 4, the signal processed by 113 is sinsoidal signal).

With regard to claim 5, Uchida discloses wherein the transformation function produces a multi-segment graph (refer to Fig. 11).

Claims 6 and 7 are similarly analyzed the same as claim 1.

2. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (U.S. Patent 6,704,467), and Ringland et al (U.S. Patent 6,122,391), and further in view of Kinumura et al (U.S. Patent 6,999,213).

With regard to claim 3, Uchida and Ringland failed to disclose the transformation function comprises an exponential function. However, at the same field of endeavor, Kinumura

discloses this feature (refer to Fig. 7A and &B). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching to Kinumura exponential function system into Uchida and Ringland image processing system. The suggestion/motivation for doing so would have been to provide an image gamma correction to reduce loss of gradation in a dark portion of an image (refer to 3, lines 35-45 of Kinumura). Therefore, it would have been obvious to combine Kimunura with Uchida and Ringland to obtain the invention as specified in claim 3.

Other Prior Art Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6122391), (6057931), (5751829) and (5291889).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (571) 272-7452. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/26/2010.

/YOSEF KASSA/

Primary Examiner, Art Unit 2624